

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD ROBERTS #878021,

NO. 1:23-cv-927

Plaintiff,

v

HON. JANE M. BECKERING

MICHIGAN DEPARTMENT OF
CORRECTIONS (MDOC), *et al.*,

MAG. JUDGE SALLY J. BERENS

Defendants.

Donald Roberts #878021

In Pro Per

Alger Correctional Facility
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Munising, MI 49862

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**MDOC DEFENDANT RUBLEY'S BRIEF IN SUPPORT OF HIS MOTION IN
LIMINE TO PRECLUDE EVIDENCE OF PENDING CRIMINAL CHARGES**

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Dated: March 21, 2025

CONCISE STATEMENT OF ISSUES PRESENTED

1. Should this Court exclude evidence of pending criminal charges against Rubley because the information is irrelevant, unfairly prejudicial, and would only be used to disparage Rubley's character?

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Authority:

Hicks v. Floyd County Bd. Of Educ., 99 Fed. Appx. 603 (6th Cir. 2004)

FRE 401

FRE 403

FRE 404

STATEMENT OF FACTS

On February 27, 2025, Ionia County Prosecutor Kyle Butler charged MDOC Defendant Ray Rubley with misconduct in office (a felony) and aggravated assault (a misdemeanor). MCL 751.505 and MCL 750.81a. The case is before Judge Raymond Voet. The case number is 2024001475. The preliminary examination is scheduled for April 23, 2025. The criminal charges stem from an incident at the Bellamy Creek Correctional Facility on July 7, 2024, involving a prisoner.

ARGUMENT

I. This Court should exclude evidence of pending criminal charges against Rubley because the information is irrelevant, unfairly prejudicial, and would only be used to disparage Rubley's character.

The Sixth Circuit has held that “[e]vidence is admissible only if relevant, and only if the relevance is not substantially outweighed by the prejudicial effect.”

Hicks v. Floyd County Bd. Of Educ., 99 Fed. Appx. 603, 605 (6th Cir. 2004) (citing Fed. R. Evid. 401 & 403).

Frist, the criminal charges against Rubley are irrelevant to the instant case. FRE 401 The criminal case arose in July 2024 and the events of this case occurred in September 2022. Furthermore, the criminal charges do not involve the Plaintiff, Donald Roberts.

Second, even if this Court finds that the criminal charges are relevant to this case this Court should exclude any evidence of the criminal charges under FRE 403 because the probative value of such information is substantially outweighed by unfair prejudice, would confuse the issues, and would mislead the jury. If the jury

hears information regarding unrelated criminal charges the jury could be distracted from the issues in this case and could, unfairly, draw the conclusion that what happened on July 7, 2024, has some bearing on the events in this case that occurred on September 23, 2022.

Lastly, the only purpose to introduce evidence of the criminal charges would be to disparage Rubley's character. Use of the criminal charges to disparage Rubley's character is prohibited under FRE 404(a)(1). Evidence from the criminal charges does not fit within any of the exceptions of FRE 404(b)(2) because evidence of allegedly criminal activity in 2024 cannot show "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident" regarding events that occurred in 2022.

Based on the factors cited above this Court should exclude any reference to the pending criminal charges against Rubley at trial. FRE 401, FRE 403, and FRE 404

CONCLUSION AND RELIEF REQUESTED

Rubley requests this Court to exclude any evidence of the pending criminal charges against him at the upcoming trial because such evidence is irrelevant, unfairly prejudicial, would confuse the issues, would mislead the jury, and would only be used to disparage his character.

Respectfully submitted,

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Dated: March 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2024, I electronically filed the above document with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record and placed in the U.S. Postal Service a copy of the above document to non-ECF participant:

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